IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 4269 of 2006
Date of Decision: 5.3.2007

Ajay Jaiswal ...Appellant

Versus

Puran Chand Jaiswal ....Respondent

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri M.L. Gupta, Advocate and
Shri Sameer Rathore, Advocate, for the appellant.

HEMANT GUPTA, J.

The challenge in the present second appeal is to the judgment and decree passed by the learned first Appellate Court, whereby the suit for mandatory injunction filed by the plaintiff to direct the defendants to hold elections of Shri Behari Lal Charitable Society (Regd.) Ambala Cantt. and for a decree for permanent injunction restraining the defendants to realise income from the properties of the trust, was allowed.

The learned first Appellate Court has found that a Society was constituted on 10.9.1958 vide Certificate of Registration Exhibit P.9, whereby the Trust was registered under the Societies Registration Act, 1860 and such Society cannot be de-registered and the same was in existence on 23.3.1979, the date when the plaintiff filed the present suit for injunction.

In respect of the stand of the defendant-appellant that the resolution dated 7.5.1978, Exhibit DW1/16 does not relate to Trust, but is in relation to Society, it was found that in fact it pertains to Trust itself. Still

further, the stand of the defendant that vide resolution dated 20.3.1979, Exhibit DW1/12, the Society stood dissolved, was rejected as such Society cannot be de-registered by a resolution.

Therefore, the finding recorded by the learned first Appellate Court, cannot be said to be suffering from any patent illegality or irregularity, which may give rise to any substantial question of law in the present second appeal.

Hence, the present appeal is dismissed.

05-03-2007 (HEMANT GUPTA)
ds JUDGE